

## UNITED STATES DISTRICT COURT

for the

Eastern District of North Carolina

FILED IN OPEN COURT

ON

5/30/2014

Julie A. Richards, Clerk  
US District Court  
Eastern District of NC

United States of America

v.

Andre Dannell Downey

Case No: 5:09-CR-260-1BO

USM No: 51832-056

Date of Original Judgment: February 25, 2010

Date of Previous Amended Judgment: March 20, 2014

(Use Date of Last Amended Judgment if Any)

Laura S. Wasco

Defendant's Attorney

**ORDER REGARDING MOTION FOR SENTENCE REDUCTION  
PURSUANT TO 18 U.S.C. § 3582(c)(2)**

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

**IT IS ORDERED** that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of \_\_\_\_\_ months is reduced to \_\_\_\_\_

The defendant was sentenced pursuant to the Fair Sentencing Act of 2010/Amendment 706 or Amendment 750 Parts A and C. The Court considered the relevance of each applicable provision to the defendant's case and where the Court found the defendant eligible, the authorized provisions were applied. As such, no further consideration is warranted.

If the amount of time the defendant has already served exceeds this sentence, the sentence is reduced to a "Time Served" sentence, subject to an additional period of up to ten (10) days for administrative purposes of releasing the defendant.

(Complete Parts I and II of Page 2 when motion is granted)

Except as otherwise provided, all provisions of the judgment(s) dated \_\_\_\_\_ shall remain in effect. **IT IS SO ORDERED.**

Order Date:

5/30/2014



Judge's signature

Effective Date:

(if different from order date)

Terrence W. Boyle, United States District Judge

Printed name and title

EDNC 7/26/2012